

OFFICE OF THE STANDING CHAPTER 13 TRUSTEE

125 E. John Carpenter Freeway, Suite #1100
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE: CASE NO. 05-81991
MONROW L. TRAMMELL CHAPTER 13
DEBTOR(S), JUDGE BARBARA J. HOUSER

OBJECTION TO CONFIRMATION

Now comes the Standing Chapter 13 Trustee herein and filed this "Objection to Confirmation" of the Plan heretofore filed herein by Debtor(s), and for same would respectfully show the Court as follows:

- ___ 1. The Plan does not provide for full payment in deferred cash payments, of all claims entitled to Priority under 11 U.S.C. Section 507, per 11 U.S.C. Section 1322(a)(2), because:
- ___ 2. The Plan does not provide for the same treatment for each claim within a particular class, per 11 U.S.C. Section 1322(a)(3), and/or discriminates unfairly against a particular class in violation of 11 U.S.C. Section 1322(b)(1), because:
- ___ 3. The Plan has not been proposed in "good faith" per 11 U.S.C. Section 1325(a)(3), because:
- ___ 4. The Plan as filed pays \$.00 to unsecured creditors. This is less than they would receive in Chapter 7 liquidation. The Plan therefore fails to meet the requirement of 11 U.S.C. Section 1325(a)(4) of the Bankruptcy Code. In a Chapter 7 liquidation, unsecured creditors would receive at least \$.00, computed as follows:

This Objection can be cured by Modification which provides, in effect, as follows:

- ___ 5. With regard to secured claims:
- ___ a. The Plan does not provide that the holder of each secured claim, retain a lien on the collateral securing same, per 11 U.S.C. Section 1325(a)(5)(b)(i).
- ___ b. The Plan does not provide for payments to creditors who have been "crammed down" to be paid through the Trustee, per 11 U.S.C. Section 1322(a)(1), and Section 1326(b).
- ___ c. The Plan does not provide for a specific monthly payment to a creditor secured by a motor vehicle sufficient to amortize the secured claim at or exceeding the rate of depreciation of collateral.

This Objection can be cured by Modification, which provides in effect, the following: **Changing "PRO RATA" treatment to a "PER MONTH" specific dollar amount, for all creditors secured by motor vehicles.**

X 6. The Debtor(s) will not be able to make all payments under the Plan and comply with the Plan, (i.e., it is not "feasible") per 11 U.S.C. Section 1325(a)(6), because: **DEBTOR IS NOT CURRENT WITH TRUSTEE PAYMENTS**

___ 7. The Plan does not propose 100% payment to unsecured creditors and the Trustee objects to confirmation on the grounds that the Plan does not provide for all of the Debtor's projected disposable income to be received in the three-year period beginning on the date that the first payment is due under the Plan, will be applied to make payments under the Plan as required by 11 U.S.C. Section 1325(b)(1)(B), because:

___ 8. Debtor(s) is/are ineligible to be in Chapter 13 pursuant to 11 U.S.C. Section 109(e) because their scheduled liquidated, noncontingent unsecured debts are \$.00:

___ 9. Debtor(s) is/are proposing to classify as a "special class" of unsecured debt to be paid in full a guaranteed student or educational loan which first became due before seven years before the filing of this Chapter 13 Petition, at the same time Debtor(s) propose to pay "general" unsecured creditors less than 100%. This is unfair discrimination against general unsecured creditors, in violation of 11 U.S.C. Section 1322(b)(1).

___ 10. Other:

WHEREFORE, the Standing Chapter 13 Trustee prays that said Plan not be Confirmed unless and until it has been modified to cure all objections set forth herein above, and for general relief.

Respectfully submitted,

TOM POWERS, CHAPTER 13 TRUSTEE

By: /s/Tara Tankersley
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Debtor(s): MONROW L. TRAMMELL

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CASE NO. 05-81991-BJH-13
MONROW L. TRAMMELL

Certificate of Service

I hereby certify that a copy of the foregoing "Trustee's Objection to Confirmation" was served on the following parties at the addresses listed below by United States First Class Mail.

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DEBTOR(S) ATTORNEY:

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Dated: September 11, 2006

By: /s/Tara Tankersley